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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

September 17, 1993

VIA TELECOPIER

Thomas F. Delaney, Esquire
Haws & Burke
15 Rittenhouse Place
Ardmore, PA 19003

Re: Havertown PCP Site

Dear Mr. Delaney:

Thank you for your letter of September 14, 1993. However, despite numerous phone calls to your office over the last three days, I have been unable to reach you to discuss the present access situation and to follow-up on the your September 14 letter. As a result, the following addresses our present access concerns, which I would like to discuss with you further.

First, this will confirm that you have requested a meeting at the Site with Mellon Bank and Mr. Rogers and EPA staff on Wednesday, September 22, 1993 at 2:00 p.m. (as communicated by your secretary today) to discuss the status of the Site clean-up as it affects the Estate's property. As I informed your secretary, EPA is in agreement with that date and time.

Second, this is to inform you that we have not yet received any comments from the Bank regarding their comments/objections to the access order, as discussed in your September 14 letter. We request that you contact the Bank immediately regarding the status of their comments and advise us of the same. In any event, we will need to finalize the proposed administrative order on consent for access by the end of next week, i.e., by September 24. Based upon our presently projected date of mobilization, if we cannot reach such an agreement on consent (which we continue to seek) by that date, EPA will have no choice but to issue a unilateral administrative order for access by no later than the following week.

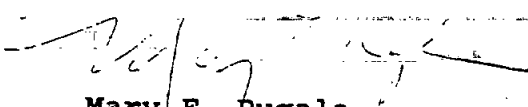
In light of this extension of the period of negotiations for the access agreement, it is necessary to extend the status quo, under the executors' agreement for access (set forth in your letter of August 27, 1993 and mine of September 9) until at least the end of next week. I construe your letter of September 14, 1993 as permitting/consenting to such an extension in light of your statement in that letter that "[t]he Agency and its workers have the executors' permission to access the property for the

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purpose of removing the time-critical material..." If I do not hear from you to the contrary, I will assume that you have no objections to such an extension.

Please contact me as soon as possible regarding the above issues. Thank you for your anticipated cooperation.

Sincerely,



Mary E. Rugala
Assistant Regional Counsel

cc: A. Garcia
K. Koob

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